

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 3, 2003

D039686 James et al. v. City of Coronado et al.

The opinion filed January 30, 2003, is ordered certified for publication. The attorneys of record are: Bobbitt & Pinckard, Everett and Bradley M. Fields for Plaintiffs and Appellants. McDougal, Love, Echis, Smith & Boehmer, Morgan L. Foley and James P. Lough for Defendants and Respondents.

D040082 In re the Marriage of Ward

D041110 In re the Marriage of Ward

The motion to consolidate is granted. All future filings should use the number D040082.

D038316 City of San Diego v. Rancho Penasquitos Partnership et al.

It is ordered that the opinion filed herein on January 30, 2003, be modified (See 4 page order). There is no change in judgment. Appellant's petition for rehearing and request for depublication are denied.

D038550 People v. Casper

Order modifying opinion and denying rehearing. No change in judgment.

D041400 In re Woods on Habeas Corpus

The petition is denied.

D041430 People v. Dew

The petition is denied.

D041443 Woods II v. Superior Court of San Diego County/People

The application is denied.

D039093 Davis et al. v. City of San Diego et al.

D039865

(consolidated) The judgment and order are affirmed. CERTIFIED FOR PUBLICATION.
Kremer, P.J.; We Concur: Benke, J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 4, 2003

D041705 People v. Riazati

The document filed February 19, 2003 is treated as a Petition to Transfer from the Superior Court Appellate Division to the Court of Appeal and was read and considered by Justices Judith Haller, Alex McDonald and Gilbert Nares. It is denied as untimely (California Rules of Court, rule 64(b), 107(a)).

D040440 In re Justice C., a Juvenile

The judgment is affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., McConnell, J.

D040094 Benitez v. North Coast Women's Care Medical Group, Inc., et al.

The judgment is reversed. The trial court is directed to enter an order overruling respondents' demurrer to the complaint. Benitez shall recover costs on appeal. CERTIFIED FOR PUBLICATION. McDonald, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D039425 People v. Devore

The judgment is affirmed. Benke, J.; We Concur: Kremer, P.J., Haller, J.

**D040988 County of Orange v. Superior Court of San Diego County/Saddleback Canyons
Conservancy et al.**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 5, 2003

D039811 People v. Malina

Judgment affirmed. Nares, J.; We Concur: Kremer, P.J., McDonald, J.

D041706 Barker v. Superior Court of San Diego County/People

The petition is denied.

D041414 Wilkerson et al. v. Superior Court of San Diego County/Kreep et al.

The petition is denied.

D041460 City of Yuma et al. v. Superior Court of Imperial County/Angulo

The petition is denied.

D040049 People v. Hirsch

The judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D039360 Sabul v. Pillsbury Winthrop LLP, et al.

The judgment is affirmed. Appellant to pay costs on appeal. O'Rourke, J.;
We Concur: Kremer, P.J., Aaron, J.

D040949 In re Christopher R., a Juvenile

The order is affirmed. McConnell, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D038659 Collins et al. v. Afshar

The judgment is affirmed. The Collinses are awarded costs on appeal. McConnell, J.;
We Concur: Nares, Acting P.J., Aaron, J.

D036373 People v. Diaz et al.

The petition for rehearing is denied.

D039045 Giannelli v. San Diego Trolley, Inc.

The judgment and order appealed from are affirmed. Huffman, Acting P.J.; We Concur: McDonald, J.,
McConnell, J.

D038067 People v. Bryant et al.

The judgment is affirmed. O'Rourke, J.; We Concur: McDonald, Acting P.J., McConnell, J.

D039417 Schwartz v. Muller

The judgment is affirmed. Nares, Acting P.J.; We Concur: McDonald, J., McConnell, J.

D041433 In re Villa on Habeas Corpus

The petition is denied.

D038991 Autopawn of San Diego, Inc., et al. v. Hoodneh et al.

Judgment affirmed. The matter is remanded for the trial court to consider respondents' request that they
be awarded attorney fees on appeal and the amount of any such award. Haller, J.;
We Concur: Kremer, P.J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 5, 2003 (Continued)

D041597 Kimberly F. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Kimberly F. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D041683 Equilon Enterprises, LLC, v. Department of Alcoholic Beverage Control

The petition is denied.

D041680 Albertson's, Inc. v. Department of Alcoholic Beverage Control

The petition is denied.

D041681 7-Eleven, Inc., et al. v. Department of Alcoholic Beverage Control et al.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 6, 2003

D041413 Johnny M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Johnny M. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D041181 V.L. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Nares, Acting P.J.: We Concur: Haller, J., McIntyre, J.

D039198 Coronado Police Officers Association et al. v. Carroll, as Public Defender, etc.

The appeal is deemed a petition for extraordinary relief; the petition is denied. The Public Defender is entitled to costs. CERTIFIED FOR PUBLICATION McIntyre, J.; I Concur: Nares, J., Huffman, J. Concurring and Dissenting

D041330 City of Chula Vista v. Superior Court of San Diego County/C & S Doctor, Inc.

The petition is denied.

D038924 Duncan v. Otay Water District

The petition for rehearing is denied.

D041650 Balance Sports Corp. et al. v. Superior Court of Orange County/Fischl et al.

The petition is denied. Real parties' request for sanctions is denied. The stay issued February 21, 2003 is vacated.

D041733 Outdoor Resorts Motorcoach Resort and Spa, Inc., et al. v. Superior Court of San Diego County/Vo et al.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 7, 2003

D039013 Cellier v. Citroen Concours et al.

The judgment is reversed as to the punitive damages award, with directions to the trial court to enter judgment on this claim in favor of defendants. In all other respects the judgment is affirmed. Parties to bear their own costs on appeal. Haller, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D040494 People v. Carson

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D041622 Parker v. Marshall

The appeal is dismissed for appellant's failure to timely deposit costs and designate the record.

D040577 In re Robert B. et al., Juveniles

The judgments terminating William and Josephine's parental rights to Robert and Steven are reversed and the court is directed to hold a hearing on William's 388 petition. If, after a hearing, the court concludes William has not established new evidence or changed circumstances exist, or it is in the children's best interest for him to receive services, the judgments terminating parental rights shall be reinstated. Kremer, P.J.; We Concur: Benke, J., McIntyre, J.

D037855 People v. Frazer

The opinion filed February 6, 2003, is ordered certified for publication with the exception of Part II.

D039161 People v. Henson

The judgment is modified to strike the prior prison term enhancement. The trial court shall amend the abstract of judgment and advise the Department of Corrections of the modification. The judgment is modified. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D040817 People v. Herbert

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Nares, J.

D040832 In re Norman A. et al, Juveniles

Judgment affirmed. Benke, Acting P.J.; We Concur: Huffman, J., Haller, J.

D041743 French Pastry Café, Inc. v. Superior court of San Diego County/Lopez-Barreto

The petition is denied. Petitioner has an adequate remedy by way of appeal.